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| APPLICATION NO.  | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO.             | CONFIRMATION NO.            |
|--|-------------|----------------------|---------------------------------|-----------------------------|
| 10/676,447   | 10/02/2003  | Bruce Williams       | 10000-02 GRA-01A                | 7057                        |
| 58898  | 7590        | 06/17/2008           |                                 |                             |
| LEMPIA BRAIDWOOD LLC<br>223 W. JACKSON BLVD.<br>SUITE 620<br>CHICAGO, IL 60606 |             |                      | EXAMINER<br>GARRETT, ERIKA P    |                             |
|  |             |                      | ART UNIT<br>3636                | PAPER NUMBER                |
|  |             |                      | NOTIFICATION DATE<br>06/17/2008 | DELIVERY MODE<br>ELECTRONIC |

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

docketing@lempialaw.com  
jackie@lempialaw.com  
mail@lempialaw.com

|                              |                                      |  |  |
|------------------------------|--------------------------------------|--|--|
| <b>Office Action Summary</b> | <b>Application No.</b><br>10/676,447 | <b>Applicant(s)</b><br>WILLIAMS ET AL. |  |
|                              | <b>Examiner</b><br>ERIKA GARRETT     | <b>Art Unit</b><br>3636                |  |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 14 November 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 43-46 and 59-64 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 43-46 and 59-64 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)            | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/21/08</u> .   | 6) <input type="checkbox"/> Other: _____                          |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 43-46 and 59-64 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyer (4,967,864). Boyer discloses the use of a child seat for seating a child within a vehicle, the child seat (14) comprising base (12) having a seating surface; an armrest (102) connected to the base on a side of the seating surface and positioned on the side (figure 2) of the seating surface; wherein the armrest is adjustable along a straight line between a first height position (figure 1) relative to the seating surface and a second height position (figure 2) relative to the seating surface; wherein the armrest includes only one connecting portion (100) that slidably relative to fits-into a corresponding receiving portion of the base; wherein the child seat is configured for placement on a seat of the vehicle; wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle; and wherein one of the receiving portion and the connecting portion includes a slot (114) for receiving a tab (116) located on the other of the receiving portion and the connecting portion.

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3. In regards to claim 44, wherein the receiving portion includes a second slot (located at the opposite end of the first slot) and wherein the first and second slots correspond to the first and second positions of the armrest, see figures 1-2, and 5.

4. In regards to claim 45, wherein the tab is attached to a flexible portion (figure 6) of the connecting portion of the armrest thereby allowing the tab to disengage with the slot when the tab is depressed.

5. In regards to claim 46, further comprising wherein one of the receiving portion and the connecting portion includes a slot (114) for receiving a protrusion on a resilient flexible tab (116) located on integrally formed as part of the other of the receiving portion and the connecting portion.

6. In regards to claim 59, a child seat for seating a child within a vehicle, the child seat comprising a base (12) having a seating surface defining a seat bottom; a pair of armrests (102) connected to the base and positioned on opposite sides of the seating surface; wherein each armrest is adjustable along a straight line between first and second height positions and wherein a majority of movement of each armrest between the first and second height positions (figures 1-2 and 5) is vertically toward and away from the seat bottom; wherein each armrest includes only one connecting portion that slidably fits over a corresponding single receiving portion of the base; wherein each armrest includes holes for receiving protrusions (114) from the receiving portion of the base; and wherein the child seat is configured for placement on a seat of the vehicle.

7. In regards to claim 60, further comprising a base (12) including a seating surface (16); an armrest (102) having only one connecting portion (100) surrounded by,

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telescopically received in, and slidable relative to a receiving portion of the base on a side of the seating surface; wherein the armrest is adjustable along a straight line in a vertical direction generally perpendicular to the seating surface; wherein the armrest includes a tab (116) that fits into a receiving slot of the base; wherein the child seat is configured for placement on a seat of the vehicle; and wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

8. In regards to claim 61, a base having a seating surface; a pair of armrests (102) positioned and connected to the base on opposite sides of the seating surface; wherein each armrest is adjustable in a vertical direction and wherein armrest movement is substantially upward and downward relative to the seating surface; wherein each armrest has only one connecting portion telescopically movable over a receiving portion of the base received within the connecting portion; wherein each receiving portion of the base includes a resilient flexible tab (116) formed as part of the receiving portion and protrusions on the flexible tab; wherein the child seat is configured for placement on a seat of the vehicle; and wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

9. In regards to claim 62, further comprising a base (12) having a seating surface (16); a pair of armrests each positioned on and connected to the base on opposite sides of the seating surface; wherein each armrest is adjustable between first and second positions substantially toward and away from the seating surface; wherein each armrest

includes a connecting portion that fits around a corresponding receiving portion of the base; wherein each receiving portion includes a resilient flexible tab integrally formed as part of the receiving portion and a protrusion on the flexible tab; wherein each connecting portion includes first and second slots to receive the protrusion, the first and second slots corresponding to the first and second positions, respectively; and wherein the child seat is configured for placement on a seat of the vehicle.

10. In regards to claim 63, wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle, see figure 1.

11. In regards to claim 64. (Currently Amended) The child seat of claim 62, wherein the child seat has a belt path configured to receive and locate relative to the child a lapbelt of a restraint system of the vehicle.

### ***Response to Arguments***

12. Applicant's arguments with respect to claims 43-46 and 59-64 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

13. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to ERIKA GARRETT whose telephone number is (571)272-6859. The examiner can normally be reached on Monday-Thursday 9:30 a.m.-6:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Dunn can be reached on 571-272-6670. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/E. G./  
Examiner, Art Unit 3636  
June 2, 2008

/David Dunn/

Supervisory Patent Examiner, Art Unit 3636